



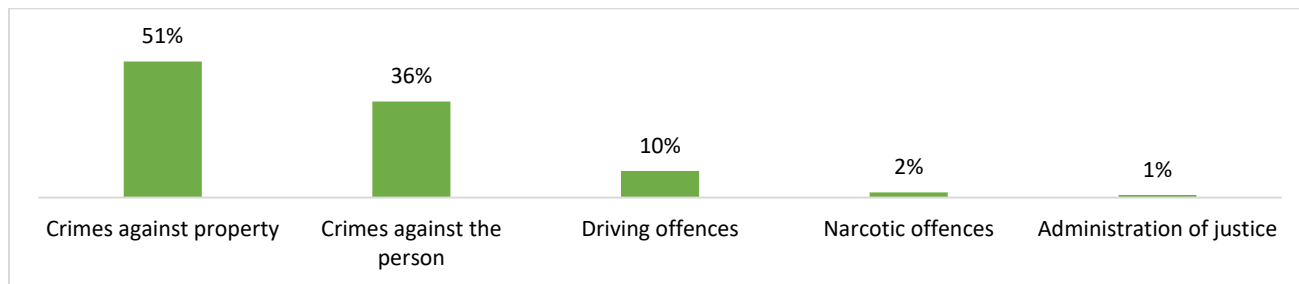
The Use of Restorative Justice to Address Criminal Offending in Canada

Restorative Justice (RJ) is based on an understanding that crime causes harm to people and relationships, and it affects communities. RJ is an approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about causes, circumstances, and impacts of crime, and to address their needs. RJ seeks to foster healing, reparation and reintegration, while also seeking to prevent future harm.¹

Restorative Justice Processes in Canada

- In 2018/2019, 30,658 cases were referred to RJ processes, of which 93% (28,603 cases) were accepted.²
- Over 60% of RJ processes in 2018/2019 involved youth (aged 12 to 17 years) in conflict with the law.³
- RJ processes are used most often for crimes against property, which made up more than half (51%) of RJ cases, followed by crimes against the person (36%, Chart 1).

Chart 1: Cases accepted into RJ processes by offence type, Canada, 2018/2019⁴



¹ Federal Provincial Territorial Ministers of Justice and Public Safety. Principles and Guidelines for Restorative Justice Practice in Criminal Matters. Ottawa. 2018. [Principles and Guidelines for Restorative Justice Practice in Criminal Matters \(2018\) – CICS / SCIC \(scics.ca\)](https://www.scics.ca)

² Federal-Provincial-Territorial Working Group on Restorative Justice (2021). *Increasing the Use of Restorative Justice in Criminal Matters in Canada: Findings from a 2018-2019 Jurisdictional Scan*. Federal-Provincial-Territorial Working Group on Restorative Justice.

³ *Ibid.*

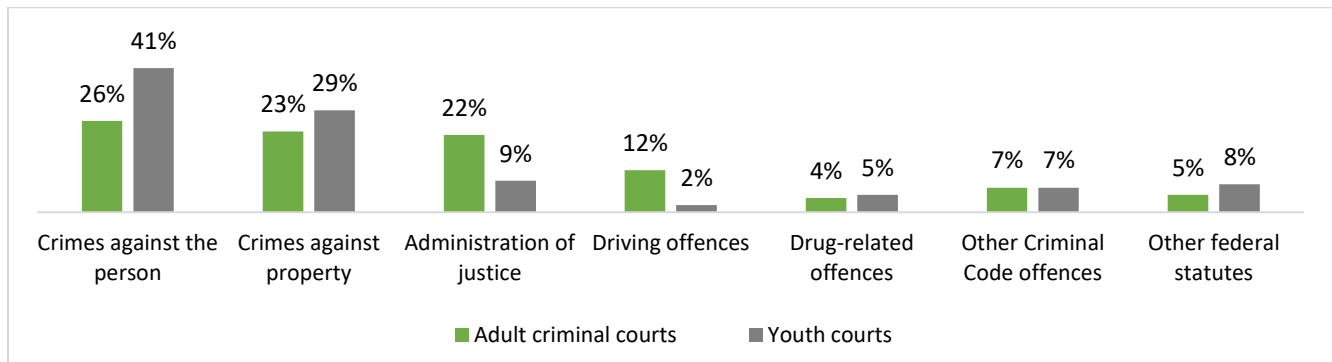
⁴ *Ibid.*



Cases in the Canadian Court System

- There were 340,104 cases completed in the Canadian criminal court system in 2018/2019. In contrast to cases involving RJ processes, the majority of cases completed in criminal courts (93%) involved adults, while the rest (7%) involved youth.⁵
- The most common offences to go through the court system were crimes against the person (26% of adults and 41% of youth), followed by crimes against property (23% of adults and 29% of youth; Chart 2).
- Given the high number of cases going through the court system every year, there is opportunity to consider increasing the use of RJ, particularly as RJ is not often used for cases in adult criminal court.

Chart 2: Cases completed in adult criminal courts and youth courts by offence type, Canada, 2018/2019⁶



Restorative Justice Research in Canada

- **Increasing the use of RJ could transform the Criminal Justice System (CJS).** Restorative principles were identified in a comprehensive review of the CJS in 2019 as a way to reform the justice system by increasing access to justice, improving outcomes for victims and communities, and helping to reduce the overrepresentation of Indigenous, racialized and marginalized populations in the system.⁷
- **A number of studies suggest that RJ contributes to reducing future CJS involvement.** A 2012/2013 study of youth in the CJS and a 2016 study of Indigenous community-based justice programs found that offenders who

⁵ Statistics Canada. [Table 35-10-0027-01 Adult criminal courts, number of cases and charges by type of decision](#) and [Table 35-10-0038-01 Youth courts, number of cases and charges by type of decision](#)

⁶ *Ibid.*

⁷ Justice Canada (2019). *Final report on the review of the Canadian criminal justice system*. Department of Justice Canada. <https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/index.html>

participated in RJ processes were less likely to have re-contact with police⁸ and to re-offend.⁹ Other research has also shown that RJ processes result in reduced recidivism.^{10 11}

- **Participation in RJ can provide victims and survivors of crime with a voice in the justice process.** Trial delays and the lack of timely and appropriate supports often leave victims feeling excluded, isolated, frustrated, and sometimes further traumatized.¹² Victims who participate in RJ often report feeling empowered, having a role in decision-making¹³ and that RJ provides support for healing as they gain a better understanding of the crime and the circumstances of the offender.¹⁴ However, the extent to which victims and survivors of crime are satisfied with RJ can depend on a number of factors, such as the quality of preparation for the RJ process or the perceived sincerity of the offender.^{15 16}
- **Restorative processes provide increased opportunities to address systemic barriers in the CJS.** Principles for RJ provide opportunities for individualized, person-centered and community-based responses to crime.¹⁷ RJ endeavours to attend to the physical, emotional, cultural and spiritual safety and well-being of all participants. The effectiveness of RJ processes increases when RJ programs, victim services and community organizations work collaboratively.¹⁸ RJ complements and supports commitments to respect Indigenous justice approaches, and offers opportunities for culturally appropriate approaches for Black people and other racialized groups.
- **Justice system transformation is needed post-COVID-19 pandemic.** From April to June 2020, the number of cases completed in adult criminal courts and youth courts dropped to less than half the number of cases in the same period in 2019.¹⁹ The numbers of cases completed in Canadian courts have since increased but have not reached pre-pandemic levels. Case completion time also increased during the pandemic and the proportion of cases that exceeded the Jordan limit²⁰ increased from less than 5% pre-pandemic (April to June 2019) in both

⁸ Ibrahim, D. (2019). *Youth re-contact with the Nova Scotia Justice System, 2012/2013 to 2014/2015*. Statistics Canada. *Juristat* Catalogue no. 85-002-X. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00003-eng.htm>

⁹ Justice Canada (2016). *Evaluation of the Aboriginal Justice Strategy*. December 2016. Department of Justice Canada, Evaluation Division – Corporate Services Branch. <https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2016/ajs-sja/ajs-sja.pdf>

¹⁰ Rugge, T. & Scott, T.-L. (2009). *Restorative Justice's Impact on Participants' Psychological and Physical Health 2009-03*. Public Safety Canada. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2009-03-rjp/2009-03-rjp-eng.pdf>

¹¹ Beaudette, J. N., & Thompson, J. (2015). *The impact of offender participation in the Restorative Opportunities Program* (Research Report, R-364). Correctional Service Canada. <https://www.csc-scc.gc.ca/research/r-364-eng.shtml>

¹² Justice Canada (2019). *Final report on the review of the Canadian criminal justice system*. Department of Justice Canada. <https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/index.html>

¹³ Abramson, A., Giesbrecht, A. & Palfreyman, J. (2019). *Educating for Change: Honouring the Voices of Restorative Justice Participants in BC, Final Report*. Kwantlen Polytechnic University.

¹⁴ Bargen, C., Lyons, A. & Hartman, M. (2019). *Crime Victims' Experiences of Restorative Justice: A Listening Project*. Department of Justice Canada. <https://www.justice.gc.ca/eng/rp-pr/jr/cverj-vvpcj/index.html>

¹⁵ *Ibid.*

¹⁶ Evans, J., McDonald, S., Gill, R. (2018). *Restorative Justice: The Experiences of Victims and Survivors*. Department of Justice Canada Victims of Crime Research Digest No. 11. [Restorative Justice: The Experiences of Victims and Survivors - Victims of Crime Research Digest No. 1.1.](https://www.victimsofcrime.ca/research-digest-11)

¹⁷ Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety (2018). *Principles and Guidelines for Restorative Justice Practice in Criminal Matters*. <https://scics.ca/en/product-produit/principles-and-guidelines-for-restorative-justice-practice-in-criminal-matters-2018/>

¹⁸ Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety (2018). *Restorative Justice – Key Elements of Success*. [Restorative Justice – Key Elements of Success – CICS / SCIC \(scics.ca\)](https://scics.ca/en/product-produit/principles-and-guidelines-for-restorative-justice-practice-in-criminal-matters-2018/).

¹⁹ Statistics Canada. [Table 35-10-0176-01 Key indicator results and absolute change for preliminary quarterly data, adult criminal court and youth court.](https://www150.statcan.gc.ca/n1/pub/28-263-x/2020001/article/00001-eng.htm)

²⁰ In criminal courts, there is a time limit of 18 months in provincial courts to complete a case, and 30 months for cases in superior courts or provincial courts following a preliminary inquiry.

adult criminal courts and youth courts, to about 10% each in April to June 2021.²¹ The problems that have arisen through the pandemic could be addressed through changes to court systems, such as expanding the number and types of cases that could be resolved through RJ processes.

- **Canadians support the use of RJ and feel the current use of RJ in Canada is inadequate.** A 2017 National Justice Survey found the majority of Canadians, given information about RJ, support its use as a way to repair harm caused by crime.²² More than 60% of Canadians thought that RJ would provide victims with a more satisfying and meaningful experience than the mainstream CJS. Almost half (45%) of Canadians surveyed said RJ would be likely to enable the offender to demonstrate accountability for their behaviour and the harm caused.
- **Additionally, a 2019 review of the CJS found that RJ is underutilized.**²³ Recommendations from that review included incorporating RJ and other alternative approaches into the mainstream CJS, and ensuring that RJ opportunities – particularly those grounded in victim-focused and trauma-informed practice – are offered to all victims and survivors of crime.

For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice’s Research and Statistics Division (rsd.drs@justice.gc.ca)

²¹ Statistics Canada. [Table 35-10-0176-01 Key indicator results and absolute change for preliminary quarterly data, adult criminal court and youth court.](#)

²² Justice Canada (2018). *Research at a Glance: Restorative Justice*. Department of Justice Canada. <https://www.justice.gc.ca/eng/rp-pr/jr/rg-rco/2018/mar08.html>

²³ Justice Canada (2019). *Final report on the review of the Canadian criminal justice system*. Department of Justice Canada. <https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/index.html>